

## REPORT ON INFORMATION COLLECTED CONCERNING APPLICANT

Under section 60835 of title 2 of the California Code of Regulations, the Bureau of State Audits is responsible for collecting information concerning applicants for the Citizens Redistricting Commission that is needed by the Applicant Review Panel to perform its responsibilities. This is a report by Bureau staff in compliance with that responsibility.

Name of Applicant: Stuart Milton Flashman.

Information Regarding Applicant's Rockridge Community Planning Council Service: In his second essay answer on his supplemental application regarding his ability to be impartial, Applicant discussed his service for the past two years as Chairman of the Board of Directors of the Rockridge Community Planning Council. According to its website, the Rockridge Community Planning Council was incorporated in 1985 as a non-profit public-benefit organization founded to: preserve and enhance the unique character of the Rockridge neighborhood of Oakland; promote the health, safety, and quality of life of its residents; furnish a forum for community involvement; and provide leadership and representation of neighborhood interests. The council has a 14-member Board of Directors representing the Rockridge community. Members of council are elected by the citizens who live within Rockridge's boundaries. The Council meets monthly.

California Constitution, article XXI, section 2, subdivision (c)(6) provides that a member of the Citizens Redistricting Commission shall be ineligible, for a period of ten years beginning from the date of appointment, to hold elective public office at the federal, state, county, or city level in California. As the Rockridge Community Planning Council is a non-profit public benefit organization rather than a federal, state, county, or city level governmental entity, Applicant would not be prohibited from serving on the Board of Directors of the Rockridge Community Planning Council if appointed to serve on the Commission.

Other Information: Research conducted by Bureau staff revealed that Applicant has a blog on which he has posted comments relating to federal, state, and local issues since 2007. Examples related to state issues include:

His recommendations for the June 2010 primary election. For example, Applicant stated, "I happen to think that Barbara Boxer has been doing a very good job in Washington. I think it would be a shame and a disaster if any of the Republican candidates beat her in November. Not only should you vote for her (assuming you're a Democrat), but you should send her campaign a contribution regardless of your party registration."

His views of the results of the 2010 Primary Election. For example, regarding the defeat of Proposition 16 (dealing with local public electricity providers) and Proposition 17 (dealing with auto insurance), he stated, "...urban voters are more sophisticated and less easily taken in by the simplistic arguments used in these corporate campaigns." and "the Bay Area counties tend to be the most liberal, with

the highest percentage of Democratic registration in the state. They also tend to have some of the most highly educated voters.”

Staff research discovered that in October 2006, Applicant posted a comment on the website of the Public Broadcasting System in response to the question “Can candidates without money from special interest groups or huge bank accounts still win?” Applicant responded: “At the local level, where grassroots legwork (literally) can substitute for \$\$\$, yes. As the electoral districts get larger and larger, the grassroots get weaker and weaker and the big money becomes more and more dominant. By the time one gets to statewide or national office, our current system is no longer a democracy, but a corporate plutocracy.”

Staff also discovered that when Applicant was serving as an elected member of the governing board of the East Bay Municipal Utility District (EBMUD), he became involved in a feud with then-State Senator Don Perata, who is now a candidate for Mayor of Oakland. According to an article in the *East Bay Express* newspaper, Senator Perata in the early 1990’s backed a proposal for eleven thousand homes to be built in the Dougherty Valley near San Ramon. The main roadblock to the plan was the EBMUD, which said it didn’t have enough water to serve the new development. Applicant was on the EBMUD board when it voted to sue over the project in 1993. Senator Perata responded by holding a press conference in which he accused EBMUD of wasting taxpayer funds. A year later, Senator Perata was involved in a campaign against Applicant’s re-election to the EBMUD board, and Applicant was not re-elected. Applicant is quoted in the article as saying: “I was pretty sore about that.” “It was clear that Perata had received a lot of campaign contributions from developers.”

In the “Financial Contributions” section of his supplemental application, Applicant disclosed making contributions to many organizations. The following is information about some of the organizations they may not be very well known:

Building Opportunities for Self-Sufficiency (BOSS): According to its website, BOSS serves over 1,500 homeless families and individuals with multiple barriers to self-sufficiency. It works through a network of housing and service programs in Berkeley, Oakland, and Hayward. BOSS is funded by both public and private sources.”

Democracy in Action: According to its website, Democracy In Action is a progressive nonprofit organization whose core activity is providing, supporting, and training on the Salsa online organizing platform for small and medium sized progressive nonprofit organizations. Democracy In Action aims to democratize e-activism, freeing practitioners to pour resources into mission and strategy. “Salsa,” according to the website for Salsa Labs, is a computer software and support service that is supposed to help non-profit entities raise funds more efficiently and at a lower cost.

U.N. High Commissioner for Refugees: According to its website, the Office of the United Nations High Commissioner for Refugees is an agency of the United Nations that is mandated to lead and coordinate international action to protect refugees and

resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another country, with the option of returning home voluntarily, integrating locally, or resettling in a third country. The agency also has a mandate to help stateless people.

International Rescue Committee (IRC): According to its website, the IRC responds to the world's worst humanitarian crises and helps people to survive and rebuild their lives. The IRC offers lifesaving care and life-changing assistance to refugees forced to flee from war or disaster.

Center for Constitutional Rights (CCR): According to its website, the CCR is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys involved with the civil rights movements in the Southern United States, the CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

Lifelong Medical Care, Inc.: According to its website, Lifelong provides high-quality health and social services to underserved people of all ages; creates models of care for the elderly and people with disabilities; and advocates for continuous improvements in the health of our communities.

Staff discovered in news articles that Applicant is the attorney representing four environmental groups and two cities in a lawsuit filed against the California High Speed Rail Authority. The suit is challenging the environmental analysis of the proposed route of the high speed rail line.

Staff contacted John Rusmisl, District Manager of the Alameda County Mosquito Abatement District, who is the author of one of Applicant's letters of recommendation, to confirm the information provided in the letter and receive any additional information that may be relevant. Mr. Rusmisl confirmed the information in the letter and added that Applicant is a consensus builder who works well with others, stays "on the straight and narrow," and keeps a group on task. Mr. Rusmisl stated that Applicant was a driving force behind the District's decision to offer same-sex medical benefits to employees and to use the most biologically sensitive materials in the abatement of mosquitoes. Mr. Rusmisl explained that members of the District's Board of Trustees are appointed by the city councils of the towns they represent, and that Applicant served two separate terms on the Board of Trustees: one term by appointment of the Emeryville City Council and a second term by appointment of the Oakland City Council after Applicant moved to Oakland.

Recommendation: None.

Name and Title of Person Submitting Report: Steven Benito Russo, Chief of Investigations

Report Date: September 18, 2010